

In the High Court of Judicature at Madras

Dated: 22.03.2007

Coram:

The Honourable Mr. Justice P. SATHASIVAM
and
The Honourable Mr. Justice N. PAUL VASANTHAKUMAR

W.P.No.50396 of 2006
& MP No/1 of 2006

P.C.D.Nambiar

.. Petitioner

Vs..

1. The Commissioner,
Corporation of Madras,
Rippon Buildings,
Chennai-600 003.

2. Ramesh Bajaj Prop B. K. Enterprises

3. Kishore Bajaj

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to take necessary action against the second and third respondents from proceeding with the construction of the building in contravention of the building rules and regulations and order demolition of the constructions made in contravention of the building rules and regulations.

For Petitioners : Mr. T.S. Sridharan for
M/s. Pais, Lobo & Aluares
& Irwin Aaron

For 1st respondent : Mr. A. Mohamed Ghouse

For respondents 2&3 : Mr. V. Lakshminarayanan

ORDER

(Order of the Court was made by P. SATHASIVAM, J.)

The petitioner has approached this Court to issue a Writ of Mandamus directing the first respondent, the Commissioner, Corporation of Madras, to take necessary action against respondents 2 and 3 from proceeding with the construction of the building and other demolition of the constructions made in contravention of the building rules and regulations.

2. Pursuant to the direction of this Court, the Assistant Executive Engineer, Division 70, Unit 14, Zone V of Corporation of Chennai, filed a report wherein it is stated that respondents 2 and 3 have constructed ground and first floors after obtaining necessary permission from the competent authority dated 02.05.2006. But the ground and first floors were constructed without leaving proper set backs. According to him, though respondents 2 and 3 have constructed the building by providing open space on all sides, it is not in compliance with the sanctioned plan and hence, notices under Section 256(1) & (2) and 256(3) of Chennai City Municipal Corporation Act, 1919 have been issued. In the same report it is further stated that respondents 2 and 3 have submitted a revised plan, vide PPA No.158/07 dated 02.01.2007, to the Corporation of Chennai and the same has been forwarded to the CMDA for further action. The learned counsel appearing for respondents 2 and 3 submitted that no order has been passed by the CMDA till this date on the revised plan submitted by them.

3. Apart from the above information, the learned counsel for respondents 2 and 3 also informed this Court that without getting sanction on the revised plan from the authority concerned, they will not proceed further.

4. The above statement is hereby recorded and the writ petition is closed. No costs. M.P.No.1 of 2006 is also closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Commissioner,
Corporation of Madras,
Rippon Buildings,
Chennai-600 003.

+ 1 cc to Mr. A. Md. Gouse, Advocate SR No. 18105
+ 1 cc to Mr. Pais & Lobo & Alvares, SR No. 17606

TEJ(CO)
SR/27.3.2007

W.P.No.50396 of 2006